

Remarks**Claim Amendments**

Claims 95, 96 and 101-104 were pending in this case. By way of this amendment, claims 95, 96 and 101 are amended and new claim 111 is added. Support for the claim amendments and the new claims can be found throughout the specification as filed and the original claims. *No new matter has been added.* Upon entry of the present amendment, claims 95, 96, 101-104 and 111 will remain pending. Any amendments to and/or cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and were done solely to expedite the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

Restriction Requirement

In the Office Action mailed May 16, 2006, election of one of the following peptides was required under 35 U.S.C. §121:

- a. Fel 16 (residues 1-22 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- b. Fel 17 (residues 12-33 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- c. Fel 32-1 (residues 12-24 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- d. Fel 32-2 (residues 14-24 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- e. Fel 32-3 (residues 16-24 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- f. Fel 18 (residues 23-48 of SEQ ID NO:6), classified for example in class 350, subclass 300;

- g. Fel 33-1 (residues 26-36 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- h. Fel 33-2 (residues 26-38 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- i. Fel 33-3 (residues 14-38 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- j. Fel 31-1 (residues 14-40 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- k. Fel 31-2 (residues 14-39 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- l. Fel 31-3 (residues 14-38 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- m. Fel 31-4 (residues 14-37 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- n. Fel 31-5 (residues 14-36 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- o. Fel 31-6 (residues 15-40 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- p. Fel 31-7 (residues 15-36 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- q. Fel 20-1 (residues 34-59 of SEQ ID NO:6), classified for example in class 350, subclass 300;
- r. Fel 25 (residues 49-68 of SEQ ID NO:6), classified for example in class 350, subclass 300; and
- s. Fel 28(residues 60-82 of SEQ ID NO:6), classified for example in class 350, subclass 300.

Applicants elect Group k, peptide Fel 31-2 (residues 14-39 of SEQ ID NO:6), *with traverse*. For the reasons set forth in detail below, Applicants respectfully traverse and request reconsideration of the Examiner's restriction of the claims to the extent that, at a minimum, Groups j, l, m, and n be re-grouped and examined together with Group k. Moreover, Applicants respectfully request that Groups b, c, d, f, j, l, m, and n be re-grouped and examined together with Group k. For the same reasons set forth below, Applicants additionally request rejoinder of all the Groups.

According to the Examiner, "the products are patentably distinct each from the other as the products are comprised of divergent structure, each exhibiting different effects and functions." Applicants respectfully disagree. Contrary to the Examiner's understanding, each of the peptides set forth in Groups a-s are connected in design, operation or effect, *i.e.*, are not independent. (See M.P.E.P. §803).

For example, Applicants note that each of the peptides in Groups a-s are derived from the same amino acid sequence (*i.e.*, SEQ ID NO:6) and, therefore, are connected by design or structure. Specifically, each peptide falls within the first amino 82 residues of the TRFP protein. In fact, most of the peptides subject to the present restriction fall within the first amino 48 residues of the TRFP protein. In particular, the sequences of the peptides of Groups b, c, d, f, j, k, l, and m substantially overlap each other and, therefore, share substantial sequence identity (see enclosed Appendix A). Indeed, the sequences of the peptides of Groups j, k, l, m, and n differ only by a few residues.

Moreover, each of the peptides possesses T-cell stimulatory activity (see, for example, Table 3, at pages 48-49, of the specification) and, therefore, is capable of stimulating T cells from individuals. Accordingly, the peptides share the same function and therapeutic effect. Specifically, the peptides of Groups b, c, d, f, j, k, l, and m possess a positivity index (PI) of at least 400. Further, the peptides of j, k, l, m, and n possess a PI of at least 539.

Applicants further note that the inventions of each of Groups a-s have been classified in the same Class 350 and Subclass 300. As such, the searches with regard to these inventions would be co-extensive and would not involve a serious burden on the Examiner. As the M.P.E.P. states:

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803.

As noted above, the sequences of the peptides of Groups a-s overlap significantly. Therefore, a prior art search of Group k would include and be co-extensive of the prior art searches of at least Groups j, l, m, and n, as well as Groups b, c, d, f, j, l, m, and n.

In the interest of savings of time and cost to Applicants and the Patent Office, Applicants respectfully request that the epitope portions be re-grouped as a single invention. Given the significant overlap in chemical structure and identical claimed function of the epitope portions of Groups b, c, d, f, j, k, l, m, and n, Applicants respectfully request that, at least, these Groups be re-grouped and examined in the instant application. For the same reasons and, at the very minimum, Applicants request that Groups j, k, l, m, and n be re-grouped and examined in the instant application.


CONCLUSION

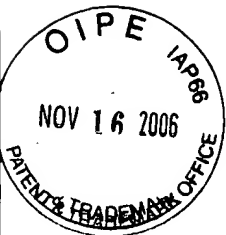
If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.

Applicants submit herewith a petition for a five-month extension of time along with the requisite fee. Applicants believe that no additional fee is due with this paper; however, should there be any deficiencies in the fee, the Commissioner is hereby authorized to charge such fee to the Deposit Account No. 12-0080, referencing Attorney Docket No. IMI-044DV3CNRCE2.

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Respectfully submitted,

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Appendix A

Alignment of SEQ ID NO:6 (TRFP chain 2) with various peptides

	1	10	20	30	40	50
TRFP	DTMRGALLV	LALLVTQAL	GVKMAETC	PIFYDVFF	AVANGNEL	LLDLSTK
FeL 17			LLVTQALGVKMAETCPIFYDVF			
Fel 32-1			LLVTQALGVKMAE			
Fel 32-2			VTQALGVKMAE			
Fel 18				AETCPIFYDVFFAVANGNEL	LLDL	SL
Fel 31-1			VTQALGVKMAETCPIFYDVFFAVANGN			
Fel 31-2			VTQALGVKMAETCPIFYDVFFAVANG			
Fel 31-3			VTQALGVKMAETCPIFYDVFFAVAN			
Fel 31-4			VTQALGVKMAETCPIFYDVFFAVA			
Fel 31-5			VTQALGVKMAETCPIFYDVFFAV			